REMARKS

This is a full and timely response to the outstanding final Office Action mailed on September 15, 2005 (Paper No./Date 09012005). Applicants should not be presumed to agree with any statements made by the Examiner in the Office Action unless otherwise specifically indicated by Applicants.

I.   Interview Summary

Applicants first wish to express their appreciation that the time Examiners Kelly and Van Handel spent with Applicants' attorney, Minh Nguyen, during a telephone conversation on December 21, 2005 regarding the outstanding final Office Action. The discussion was directed to the feature of "a first selection indication that denotes of one of said plurality of initial guide arrangements as a selected initial guide arrangement, the selected initial guide arrangement being a default each time the interactive program guide is activated," as recited in claim 1. Also discussed was the prior reference cited in the Office Action. At the conclusion of the discussion, no agreement was reached regarding the claims.

II.   Claim Rejections Under 35 U.S.C. §102

Claims 1-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,266,814 to *Lemmons, et al.*

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.,* 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A.   Claim 1

Claim 1, as amended, recites:

> A television set-top terminal (STT) system for enabling a
> user to navigate to an individual television service, said STT
> system coupled to a programmable television services server
> device, said STT system comprising:
>> memory for storing data;
>> an interactive program guide contained in said memory for
> displaying program information received by said STT system from

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said server device, said program information corresponding to a plurality of current and future programs;

a plurality of guide arrangements corresponding to respective display-orderings of the program information, each guide arrangement ordering displayed program information based on at least one program parameter, the ordering of the program information in each guide arrangement being different than the other guide arrangements, *wherein the ordering of program information in the selected initial guide arrangement is according to the respective start time of corresponding programs, the respective theme of corresponding programs, or the title of corresponding programs*;

a processor configured to display simultaneously in each guide arrangement only a respective portion of the corresponding ordered program information;

configuration information contained in said memory, said configuration information comprising:

a plurality of respective initial guide arrangements corresponding to the plurality of guide arrangements;

a first selection indication that denotes one of said plurality of initial guide arrangements corresponding to respective display-orderings of the program information as a selected initial guide arrangement, the selected initial guide arrangement being a default each time the interactive program guide is activated; and

an initial respective portion of the corresponding ordered program information in said selected initial guide arrangement being configured according to a user selection; and

a remote control having a single key for initiating a display session of said interactive program guide and said configuration information;

wherein the processor is further configured to cause said STT system to initially display said program information according to said selected initial guide arrangement and said initial respective portion of the corresponding ordered program information, said *processor responsive to a first user input received from pressing the single key of the remote control corresponding to initiating the display session of said interactive program guide and said configuration information*.

(Emphasis Added)

The Office Action states the following:

> "When a user initiates the Program Search display mode, a
> first selection indication 208 denotes one of a plurality of initial
> guide arrangements as a selected guide arrangement (col. 14, l. 30-
> 43) (Fig. 7). **Despite the fact that the user does not necessarily**
> **arrive at the Program Search Mode instantaneously upon**
> **initiating the interactive program guide, the Examiner notes**
> **that "this selected guide arrangement is stored in the**
> **operational parameters in the memory 76 of the STT (col. 14, l.**
> **28-43).** Thus, the initial guide arrangement Program Search mode
> is the stored default each time the interactive program guide is
> activated. The selection criteria can be changed and are
> automatically applied to the program schedule to present a listing
> of program schedule information meeting the selection criteria as
> stated above. This reads on the claimed initial respective portion
> of the corresponding ordered program information in the initial
> guide arrangement (EPG listings displayed to the user) being
> configured according to a user selection (selection criteria).
> *Lemmons, et al.* further discloses that upon invocation of the EPG
> (col. 9, l. 19-20), the system determines the specified selection
> criteria and displays schedule listings automatically that match
> (col. 24, l. 40-49). This reads on the claimed processor being
> further configured to cause the STT to initially display the program
> information according to the selected guide arrangement and the
> initial respective portion of the corresponding ordered program
> information (time window as stated above). The processor is
> responsive to a first user input corresponding to an initiation of a
> display session of the EPG (Col. 9, l. 19-20 (col. 23, l. 40-44) and
> the configuration information as stated above."

As admitted in the Office Action, "the user does not necessarily arrive at the Program

Search Mode instantaneously upon initiating the interactive program guide." Accordingly,

Applicants respectfully submit that *Lemmons* fails to disclose, teach or suggest initiating a

display session of an interactive program guide corresponding to a selected initial guide

arrangement and said initial respective portion of the corresponding ordered program information

responsive to a first user input received by pressing the single key of the remote control, as

recited in claim 1. The selected initial guide arrangement is a default each time the interactive

program guide is activated. Thus, Applicants respectfully submit that *Lemmons* fails to disclose,

teach or suggest the above-emphasized feature as recited in claim 1. Thus, a *prima facie* case of

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anticipation is not established based on *Lemmons*. Consequently, for at least this reason, among others, Applicants respectfully request that claim 68 be allowed and the rejection be withdrawn.

B.   Dependent Claims

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-10 and 14-18 are allowable as a matter of law for at least the reason that dependent claims 2-10 and 14-18 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 2-10 and 14-18 should be withdrawn for at least this reason, among others.

III.   Response to Claim Rejections Under 35 U.S.C. §103

Claims 68-78 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Lemmons* in view of U.S. Patent No. 5,614,940, to *Cobbley, et al.*

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all steps/elements/features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

A.   Claim 68

Claim 68, as amended, recites:

> A television set-top terminal (STT) for enabling a user to navigate to an individual television service, said STT coupled to a programmable television services server device, said STT comprising:
> memory for storing data;
> an interactive program guide contained in said memory for displaying program information received by said STT from said server device, said program information corresponding to a plurality of current and future programs;
> a plurality of guide arrangements corresponding to respective display-orderings of the program information, each guide arrangement ordering displayed program information based on at least one program parameter, the ordering of the program information in each guide arrangement being different than the other guide arrangements, ***wherein the ordering of program information in the selected initial guide arrangement is according to the respective start time of corresponding programs,***

the respective theme of corresponding programs, or the title of corresponding programs;

configuration information contained in said memory, said configuration information comprising a plurality of respective initial guide arrangements corresponding to the plurality of guide arrangements; and

a processor configured to cause said STT to initially provide a user option to select one of said plurality of initial guide arrangements, said processor responsive to a first user input received from pressing a single key on a remote control corresponding to initiating a display session of said interactive program guide, said processor being further configured to receive a second input corresponding to a user-selected initial guide arrangement enabling user navigation in the initiated display session of said interactive program guide, the user-selected initial guide arrangement being a default initial view each time the interactive program guide is activated.

(Emphasis Added)

The Office Action admits that "[*Lemmons*] does not disclose that the user-selected initial guide arrangement is a default initial view each time the interactive program guide is activated." In this regard, the Office Action uses *Cobbley* to remedy the failure of *Lemmons*.

Applicants respectfully submit that *Lemmons* in view of *Cobbley* fails to disclose, teach or suggest initiating a display session of an interactive program guide corresponding to a selected initial guide arrangement and said initial respective portion of the corresponding ordered program information responsive to a first user input received by pressing the single key of the remote control, as recited in claim 68. The selected initial guide arrangement is a default each time the interactive program guide is activated.

Consequently, Applicants respectfully submit that *Lemmons* and *Cobbley* fail to disclose, teach or suggest the above-emphasized feature as recited in claim 68. Thus, a *prima facie* case of anticipation is not established based on *Lemmons* and *Cobbley*. Consequently, for at least this reason, among others, Applicants respectfully request that claim 68 be allowed and the rejection be withdrawn.

B.   Dependent Claims

Because independent claim 68 is allowable over the cited art of record, dependent claims 69-72 and 76-78 are allowable as a matter of law for at least the reason that dependent claims 69-72 and 76-78 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 69-72 and 76-78 should be withdrawn for at least this reason, among others.

IV.   Newly Added Claims 79-81

Claim 79 recites:

> 79.   The STT system of claim 1, wherein the configuration information comprises a second selection indication that denotes toggling on or toggling off a browse-by menu.

Claim 80 recites:

> 80.   The STT system of claim 79, wherein said processor is further configured to cause said STT system to initially display the browse-by menu responsive the browse-by menu being toggled on, the browse-by menu being displayed on a portion of the interactive program guide and providing options to select another guide arrangement of said plurality of guide arrangements that has a different display-ordering of the program information than the selected initial guide arrangement.

Claim 81 recites:

> 81.   The STT system of claim 68, wherein said processor configured to cause said STT to provide a second user option to toggle on or off a browse-by menu, the browse-by menu being displayed on a portion of the interactive program guide and providing options to select another guide arrangement of said plurality of guide arrangements that has a different display-ordering of the program information than the selected initial guide arrangement.
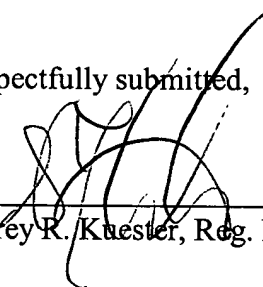
Applicants respectfully submit that the features cited in claims 79-81 are not disclosed, taught or suggested by the cited references. Applicants respectfully request that the newly added claims 79-81 be allowed.

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CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that the currently pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, she is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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